

MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION MEETING

MARCH 9, 2000

Those in attendance were:

Richard Jiskra, Chair	Roger Patterson
Wayne Davis, Member	Randy Epperson
Roy Stewart, Member	Ron Bishop
Frank Bartak, Member	Milton Moravek
Dale Watermeier, Member	Paul Rohrbaugh
Joe Hergott, Member	Tom Mountford
Richard Mercer, Member	Dayle Williamson, Director
Robert Hahn, Member	Jim Cook, Staff
LeRoy Pieper, Member	Steve Gaul, Staff
Jim Van Marter, Member	Tom Pesek, Staff
Roger Korell, Member	Gayle Starr, Staff
Wayne Madsen, Member	

CALL TO ORDER

The meeting was called to order in the meeting room of the Hampton Inn in Lincoln, Nebraska, at approximately 9:50 a.m. by Commission Chair, Richard Jiskra

NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL STAR on March 1, 2000, notifying the public of the meeting.

INFORMATIONAL MATERIAL

The following items of informational material were distributed during the course of the meeting and a copy of each is attached to the file copy of the minutes.

- Soil & Water Conservation Fund, Expenditures by Month 1992-2000.
- Nebraska Resources Development Fund Quarterly Report, January 31, 2000.
- Policy Statement XII, Operations, National Flood Insurance Program Participation.
- Letter from Lower Platte North NRD regarding bidding process for Skull Creek Site 55.
- Draft letter to Ron Bishop, Manager, Central Platte NRD regarding the Upper Prairie-Silver-Moores Flood Control Project with a letter from the Game & Parks Commission attached.
- Nebraska Resources Development Fund Present Financial Status Report, March 7, 2000.
- Status of Small Watersheds Flood Control Fund as of March 7, 2000.
- Letter from Nemaha NRD regarding assistance through SWFCF for Middle Big Nemaha Site 3.
- Letter from Nemaha NRD to update SWFCF for Stedman Easement on Upper Little Nemaha 36.
- Organization Chart of the Proposed Nebraska Department of Natural Resources.
- NRCS report to the NNRC and NARD.
- Prioritized Initial List of Water Management Issues from the Water Conference.

- Expansion of NRCS Workload listing.
- USDA/NRCS – Wetlands Reservation Program (WRP) handout.

MINUTES

Motion was made by Davis and seconded by Van Marter to approve the minutes of the January 26, 2000, Commission meeting as distributed. Motion carried.

Aye: Mercer, Watermeier, Pieper, Bartak, Korell, Madsen, Van Marter, Stewart, Hahn, Hergott, Davis, Jiskra

Nay: None

Not Present: Larson, Kramper, Roberts, Donaldson

EXPENDITURES

Motion was made by Davis and seconded by Madsen to approve the expenditure report for January, 2000, as distributed. Motion carried.

Aye: Watermeier, Pieper, Bartak, Korell, Madsen, Van Marter, Stewart, Hahn, Hergott, Davis, Mercer, Jiskra

Nay: None

Not Present: Larson, Kramper, Roberts, Donaldson

ADVISOR'S COMMENTS

Randy Epperson, representing the Natural Resources Conservation Service, distributed some information about the Wetlands Reserve Program and discussed that program briefly. He also distributed a NRCS report to the Commission and some information about various NRCS programs and the budget situation with regard to each.

DIRECTOR'S REPORT

Dayle Williamson reported on the Water Conference that had been held the last two days in Lincoln. He noted that Commission member, Wayne Madsen, had been awarded the Maurice Kremer award by the Groundwater Foundation. He congratulated Wayne and noted that the Kremer award was considered a very prestigious award. Williamson also handed out some summary information regarding the results of a prioritization process that had been part of the Water Conference. Williamson also noted he and Roger Patterson, and Commission Chair Richard Jiskra would be participating in the NARD Washington, DC trip next week. He added that the House of Representatives had held hearings this week on the 2000 Water Resources Development Act, which includes authorizations and funding for Corps of Engineers projects and that Nebraska representatives had appeared at that hearing to support the Antelope Valley, Wanahoo, Western Sarpy Levee, and Missouri River Mitigation projects.

ENVIRONMENTAL TRUST

Richard Mercer reported that the Environmental Trust had received the recommendations of the Ratings Committee on funding approvals for this year and that final approval will be at their April meeting. He added that on March 20, the Environmental Trust will be meeting in Kearney to discuss and receive input on past, present, and future activities of the Trust.

PLATTE AND REPUBLICAN RIVER BASIN ACTIVITIES

Jim Cook noted that the Special Master had denied Nebraska's motion to eliminate ground water considerations from the Nebraska-Kansas Republican River lawsuit. He added that this denial will likely be challenged by Nebraska and perhaps also by Colorado because the Special Master's ruling will draw Colorado into the situation.

Cook noted that work is continuing on the Platte River Cooperative Agreement and that the federal agencies are nearing completion on the Environmental Impact statement for the agreement.

Roger Patterson noted that negotiations are continuing with Wyoming regarding the North Platte River issues but that the lawsuit is now scheduled for May 10 in Pasadena, California before a Special Master. He added that the expectation is that the lawsuit may take as long as 18 months.

DWR/NRC MERGER

Dayle Williamson noted that work is continuing on merger arrangements and that the bill (LB 900) is on final reading and is expected to be adopted in the near future. Roger Patterson distributed a proposed organizational chart for the merged agency and briefly described the organization.

LEGISLATION

Jim Cook noted that LB 900 has been amended to include the Republican River surface water legislation (LB 1069) and is on final reading. He also noted that a major issue for NRDs had been funding to replace the Natural Resources Enhancement Fund, which terminates December 31, 2000. He explained that the Appropriation Committee bill contains a \$500,000 appropriation to the Enhancement Fund which should provide for a total Natural Resources Enhancement Fund availability of about \$2.5 million dollars for FY 2001. He added that funds for NRD water quality programs beyond the next fiscal year have not been provided for at this time. He added that LB 1151, which would have provided an additional \$1.5 million dollars for the Soil and Water Conservation Fund has been indefinitely postponed and that LB 1112 relating to well registrations may be amended onto LB 957, the carbon sequestration bill. He added that the carbon sequestration bill might well get passed but that any funding for it is problematic at this time.

COMPREHENSIVE PLANNING COMMITTEE

Robert Hahn noted that the Comprehensive Planning Committee met on Wednesday afternoon and had consisted mostly of updates and briefings on various activities and that the minutes he distributed covered those topics. Motion was made by Hahn and seconded by Korell to accept the Committee minutes. Motion carried.

Aye: Pieper, Bartak, Korell, Madsen, Van Marter, Stewart, Hahn, Hergott, Davis, Mercer, Watermeier, Jiskra

Nay: None

Not Present: Larson, Kramper, Roberts, Donaldson

PROGRAM COMMITTEE

Joe Hergott noted that all Commission members present had also been present at the Program Committee meeting and that unless there are questions concerning the Resources Development Fund status and quarterly reports he would move to committee action items. He explained that the committee, by a 5 to 3 vote had recommended acceptance of the policy statement regarding flood insurance with an amendment suggested by the NRD Managers. Motion was made by Hergott and seconded by Davis to adopt Policy Statement XII, National Flood Insurance program participation with the amendment suggested by the NRD managers that the wording be changed so that it would apply only to projects sponsored by cities or counties. Motion failed.

Aye: Davis, Mercer, Watermeier, Pieper

Nay: Bartak, Korell, Madsen, Van Marter, Stewart, Hahn, Hergott, Jiskra

Not Present: Larson, Kramper, Roberts, Donaldson

Motion was made by Van Marter and seconded by Madsen to approve the policy statement as originally proposed. Motion carried.

Aye: Korell, Madsen, Van Marter, Stewart, Hahn, Hergott, Mercer, Watermeier, Pieper, Bartak, Jiskra

Nay: Davis

Not Present: Larson, Kramper, Roberts, Donaldson

Hergott explained that the committee had next discussed the Upper Prairie-Silver-Moores Flood Control Project proposal. Motion was made by Hergott and seconded by Bartak to advise the Central Platte NRD that it may proceed with an application and feasibility report for the Upper Prairie-Silver-Moores Flood Control Project and that it is to address the comments and questions contained in the letter from the Director of Natural Resources. Motion carried.

Aye: Madsen, Van Marter, Stewart, Hahn, Hergott, Davis, Mercer, Watermeier, Pieper, Bartak, Korell, Jiskra

Nay: None

Not Present: Larson, Kramper, Roberts, Donaldson

Hergott explained that the Lower Platte North NRD was requesting permission to proceed with acquiring bids for construction of Skull Creek Site #55. Motion was made by Hergott and seconded by Watermeier to authorize the Lower Platte North NRD to proceed with bid letting for the construction of Skull Creek Site #55 with the condition that approval of a bid by the NRD be subject to Commission action obligating funds for construction at its May 4, 2000, meeting. Motion carried.

Aye: Van Marter, Stewart, Hahn, Hergott, Davis, Mercer, Watermeier, Pieper, Bartak, Korell, Madsen, Jiskra

Nay: None

Not Present: Larson, Kramper, Roberts, Donaldson

Hergott explained that the Nemaha NRD was requesting modification of Small Watersheds Flood Control Fund assistance on two separate structures. Motion was made by Hergott and seconded by Bartak to modify fund assistance at Middle Big Nemaha Site 3 by approving the appraisal on the Janssen tract (80 acres) and commit \$115,840 for fee title, thereby rescinding its' previous commitment of 50 percent of \$32,800 for easement (45.8 acres). Motion carried.

Aye: Stewart, Hahn, Hergott, Davis, Mercer, Watermeier, Pieper, Bartak, Korell, Madsen, Van Marter, Jiskra

Nay: None

Not Present: Larson, Kramper, Roberts, Donaldson

Motion was made by Hergott and seconded by Davis to modify fund assistance at Upper Little Nemaha Site 36 by approving the updated appraisal on the Stedman Tract (55.5 acres) and increasing its commitment to 50 percent of \$55,680 for easement. Motion carried.

Hergott explained that the Central Platte NRD Manager, on behalf of the NRD managers had requested that the Commission remove its limitation of one time cost-share assistance for each owner on buried pipe for conversion of

gravity irrigation systems to center pivot systems. Motion was made by Hergott and seconded by Mercer to remove the one time per owner limitation on the conversion of gravity irrigation systems to center pivot systems as part of the irrigation water management practice of the Soil & Water Conservation Fund. Motion carried.

Aye: Hergott, Davis, Mercer, Watermeier, Pieper, Bartak, Korell, Madsen, Van Marter, Stewart, Hahn, Jiskra

Nay: None

Not Present: Larson, Kramper, Roberts, Donaldson

Joe Hergott noted that status reports on the Soil & Water Conservation Fund, Natural Resources Enhancement Fund, Republican Basin Water Meter Program, and the Water Well Decommissioning Fund had been made available to Commission members and discussed during the Program Committee meeting.

STATEMENTS OF FINANCIAL INTEREST

Gayle Starr reminded Commission members that their Statements of Financial Interest needed to be submitted by April 1.

ANNOUNCEMENTS, FUTURE MEETINGS, REQUESTS, AGENDA ITEMS FOR NEXT MEETING

Richard Mercer indicated that he felt it would be appropriate to have the NRD managers committee report to the Commission perhaps once or twice each year. Gayle Starr added that the NRD Managers Committee, which meets several times per year, is currently chaired by Dennis Schueth of the Upper Elkhorn NRD and that he would visit with Dennis about reporting to the Commission.

NEXT MEETING

The next meeting of the Commission will be May 3 and 4 in Lincoln at the Lower Platte South NRD office. It was noted that at the May meeting the Commission would be receiving presentations from Resources Development Fund sponsors for obligation of funds for the next fiscal year and that obligations effective July 1, 2000 can be made at that meeting.

ADJOURNMENT

The meeting was adjourned at approximately 11:35 a.m.

